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(erroneously sued as "Allstate Property  
9 and Casualty Insurance Company")

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

12 MATTHEW POTURICH AND  
13 TERESA POTURICH,

14 Plaintiffs,

15 v.

16 ALLSTATE INSURANCE  
17 COMPANY, ALLSTATE PROPERTY  
18 AND CASUALTY INSURANCE  
19 COMPANY, and DOES 1 through 50,  
20 inclusive,

21 Defendants.

Case No. 5:15-cv-00081-GW-KKx

The Hon. Kenly Kiya Kato  
Courtroom 3/4 Third Floor

**ALLSTATE'S NOTICE OF  
MOTION AND MOTION TO  
COMPEL PLAINTIFFS TO  
RESPOND TO WRITTEN  
DISCOVERY AND PRODUCE  
DOCUMENTS AND MOTION FOR  
MONETARY SANCTIONS**

Date: July 23, 2015  
Time: 10:00 a.m.  
Dept.: Courtroom 3/4

Complaint Filed: December 12, 2014  
Trial Date: TBD

**TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on July 23, 2015, at 10:00 a.m., or as soon thereafter as this matter may be heard in Courtroom 3/4 Third Floor of the above-captioned court, located at 3470 Twelfth Street, Riverside, CA 92501, defendant Allstate Insurance Company (“Allstate”) will and hereby does move for an order (i) finding that plaintiffs have waived all objections to written discovery; (ii) compelling plaintiffs to respond to interrogatories without objections; (iii) compelling plaintiffs to respond to requests for production of documents without objections; and (iv) sanctioning Plaintiffs and their counsel \$2,960.00 for failure to comply with court rules.

This Motion is made pursuant to Federal Rules of Civil Procedure Rules 33, 34 and 37, on the basis that plaintiffs have failed to respond to written discovery, failed to produce documents, and failed to cooperate in meet and confer efforts. Consequently, Allstate requests that this Court order the following:

- (1) Plaintiffs have waived all objections to Allstate’s propounded discovery;
- (2) Plaintiffs must comply with Rule 33 and respond to interrogatories without objections;
- (3) Plaintiffs must comply with Rule 34 and respond to requests for production of documents and produce all responsive documents without objections; and
- (4) Under Rule 37, Allstate should be awarded sanctions in the amount of \$2,960.00 as a result of plaintiffs’ failure to comply with court rules.

**Local Rule 37-1 Meet and Confer Efforts:**

Pursuant to Local Rule 37-1, Allstate has attempted to contact Plaintiffs’ counsel on three separate occasions to meet and confer regarding this discovery dispute. Plaintiffs have not responded to any of Allstate’s efforts. (*See Declaration of Christina Ding ¶¶ 1-8, attached hereto.*)

1 The Motion is based on this Notice of Motion and Motion, the attached  
2 Memorandum of Points and Authorities, the attached Declaration of Christina Ding  
3 filed concurrently herewith, the attached Exhibits, the pleadings and records on file  
4 in this action, other matters of which the Court may take judicial notice, and such  
5 matters as may be presented at the hearing on the Motion.

6  
7 Dated: June 19, 2015 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

8  
9 By s/ Christina Ding  
10 CHRISTINA DING

11 Attorneys for Allstate Insurance Company  
12 (erroneously sued also as Allstate Property and  
13 Casualty Insurance Company)  
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